

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.71658 of 2018

Arising Out of PS. Case No.-26 Year-2018 Thana- SAHODARA District- West Champaran

1. Intejar Alam, Son of Rahamtullah Miya (Brother).
2. Rahamtullah Miya, Son of Late Jamluddin Miya (Father).
3. Jamila Khatoon, Wife of Rahamtullah Miya (Mother). All are resident of Padraun, P.S. Sahodra, District- West Champaran, Bettiah.
4. Mahir Miya, Son of Late Bagadh Miya (Cousin Sasur).
5. Gaisullah Miya, Son of Mahir Miya (Cousin Brother).
6. Mobina Khatoon, Wife of Mahir Miya (Cousin Mausi). All are Resident of Pidhari, P.S.- Inarwa, District- West Champaran, Bettiah.
7. Mannu @ Manjoor Miya @ Manjoor Alam, Son of Jamil Miya (Cousin Bahnoi),
8. Shobha Khatoon, Wife of Mannu Alam @ Manjoor Miya (Cousin Sister), Both are resident of Village Inarwa Bazar, P.S.- Inarwa, District- West Champaran, Bettiah.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Shabina Khatoon, Wife of Bablu Alam, Resident of Village Padraun, P.S. Sahodra, District- West Champaran, Bettiah.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Gupta
For the Opposite Party/s : Mr. Sri Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-12-2018

Heard.

It has been submitted that during pendency of this application, the petitioner No. 2 has already been arrested and hence, this application as against the petitioner No. 2 has become infructuous.

Accordingly, this application with respect to petitioner No. 2 is dismissed as withdrawn.



Heard learned counsel for petitioner Nos. 1, 3, 4, 5, 6, 7 & 8 and learned APP for the State.

The petitioner Nos. 1, 3, 4, 5, 6, 7 & 8 are apprehending their arrest in a case registered under Sections 341, 323, 354, 506/34 of the Indian Penal Code and $\frac{3}{4}$ of Dowry Prohibition Act.

Allegation against the petitioners is of committing torture upon the victim due to non-fulfillment of demand of dowry.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case due to petty family dispute. The case is triable by the Magistrate. The petitioners have relied upon the judgment of this Court in the case of Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182.

On behalf of the State, it is submitted that the petitioners are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner Nos. 1, 3, 4, 5, 6, 7 & 8, above named, in the event of arrest/surrender before the learned court below within a



period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, West Champaran, Bettiah in connection with Sahodra P.S. Case No. 26 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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